

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PEIQING CONG, <i>et. al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	CIVIL ACTION NO. 4:12-CV-01976
v.	§	
	§	
CONOCOPHILLIPS COMPANY,	§	JURY TRIAL DEMANDED
Defendant.	§	
	§	

**ConocoPhillips Company's Motion to Dismiss**

Defendant ConocoPhillips Company ("ConocoPhillips") respectfully requests that the Court dismiss this lawsuit because it is precluded by the following doctrines and Federal Rules of Civil Procedure, as detailed in the brief filed contemporaneously with this motion:

1. Forum Non Conveniens;
2. Act of State Doctrine;
3. International Comity Doctrine;
4. Foreign Affairs Doctrine;
5. Federal Rule of Civil Procedure 19 for failure to join an indispensable party; and
6. Failure to state any cognizable claim under Federal Rule of Civil Procedure 12(b)(6), including the claims for negligence, public and private nuisance, trespass, unjust enrichment, violation of the Alien Tort Statute, and equitable relief.

ConocoPhillips incorporates by reference its brief in support of this motion and appendix in support of this motion.

ConocoPhillips respectfully requests oral argument on this motion.

Respectfully submitted,

/s/ Martin D. Beirne

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of September 2012, a true and correct copy of the foregoing instrument was forwarded to the following counsel-of-record via certified mail, return receipt requested.

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\_\_\_\_\_/s/ Darin L. Brooks\_\_\_\_\_  
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